Making Freedom of Press a Fundamental Right

1569. SHRI KARNENDU BHATTACHARJEE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Constitution Review Commission has recommended that the Freedom of Press should be made a Fundamental Right and incorporated in Part III of the constitution;

(b) if so, the details thereof; and

(c) Government's reaction thereto?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) The National Commission to Review the Working of the Constitution is yet to submit its report to the Government.

(b) and (c) In view of the above, these questions do not arise

Cleansing of the legal profession

1570. SHRI C.M. IBRAHIM:
SHRI AIMADUDDIN AHMED KHAN (DURRU):

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government's attention has been drawn to the recent Supreme Court verdict concerning the need to cleanse the legal profession;

(b) if so, the background and details thereof;

(c) whether any specific modifications are proposed to be made in the related Advocates Law; and

(d) if so, the details in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) In Harish Chandra Tiwari Vs. Baiju [(2002) 2 Supreme Court Cases 67], the Supreme

Court imposed the punishment of removal of the name of the appellant from the roll of advocates for a grave professional miscounduct on his part in that he had misappropriated the amount of compensation awarded to his client. The Supreme Court held that the punishment of suspending the advocate from practice for a period of three years, imposed by the Disciplinary Committee of the Bar Council of India, was not sufficient. Where the delinquent advocate returns the money misappropriated before commencing the disciplinary proceedings, a lesser punishment may be justified. In the instant case, the misappropriation remained unabated. In this context, the Supreme Court observed that there was a need to cleanse the legal profession.

(c) and (d) Section 35 of the Advocates Act, 1961 already prescribes three kinds of punishments for professional or other misconduct on the part of an advocate, namely: (i) reprimand the advocate; (ii) suspend the advocate from practice for such period as may be deemed fit; and (iii) remove the name of the advocate from the State roll of advocates. The observations of the Supreme Court in the above case have been noted. The Government feel that there is no need to change the Advocates Act, 1961.

Instructions of Department of Official Language

†1571. DR. MAHESH CHANDRA SHARMA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether instructions contained in O.M. No. 13017/3/90.O.L.(C), dated the 26th November, 1990 of the Ministry of Home Affairs, Department of Official Language are according to the Constitution; and

(b) if so, whether his Ministry is complying with its part (b)?

†Original notice of the question was received in Hindi.